

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

In the Matter of Arbitration between)
IBEW Local Union 1959,)
Petitioner,) **ORDER OF DISMISSAL**
vs.)
Western Area Power)
Administration,) Case No. 1:07-cv-011
Respondent.)

Before the Court is a pleading entitled “Petitioner’s Notice of Voluntary Dismissal of Motion (Petition) to Confirm Arbitration Award FMCS No. 06-50252 Contract Violation” filed on March 28, 2007. See Docket No. 6. Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that “an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs....” The record reveals that the Respondent, Western Area Power Administration, has not filed an answer or a motion for summary judgment prior to the filing of this motion for dismissal. Therefore, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the Court **ORDERS** that the case be dismissed as to the above-mentioned defendants without prejudice.

Dated this 2nd day of April, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court